

Senate File 402

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1029)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to sexual assault offenses by affecting the
2 admissibility of prior criminal offenses into evidence in the
3 prosecution of certain sexual offenses and by modifying the
4 penalties for certain assaults.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6 SF 402

7 jm/cc/26

PAG LIN

1 1 Section 1. NEW SECTION. 701.11 EVIDENCE OF SIMILAR
1 2 OFFENSES == SEXUAL ABUSE.

1 3 1. In a criminal prosecution in which a defendant has been
1 4 charged with sexual abuse, evidence of the defendant's
1 5 commission of another sexual abuse is admissible and may be
1 6 considered for its bearing on any matter for which the
1 7 evidence is relevant. This evidence, though relevant, may be
1 8 excluded if the probative value of the evidence is
1 9 substantially outweighed by the danger of unfair prejudice,
1 10 confusion of the issues, or misleading the jury, or by
1 11 considerations of undue delay, waste of time, or needless
1 12 presentation of cumulative evidence. This evidence is not
1 13 admissible unless the state presents clear proof of the
1 14 commission of the prior act of sexual abuse.

1 15 2. If the prosecution intends to offer evidence pursuant
1 16 to this section, the prosecution shall disclose such evidence
1 17 to the defendant, including statements of witnesses or a
1 18 summary of the substance of any testimony that is expected to
1 19 be offered, ten days prior to the scheduled date of trial.
1 20 The court may for good cause shown permit disclosure less than
1 21 ten days prior to the scheduled date of trial.

1 22 3. For purposes of this section, "sexual abuse" means any
1 23 commission of or conviction for a crime defined in chapter
1 24 709. "Sexual abuse" also means any commission of or
1 25 conviction for a crime in another jurisdiction under a statute
1 26 that is substantially similar to any crime defined in chapter
1 27 709.

1 28 Sec. 2. Section 708.2, Code 2003, is amended by adding the
1 29 following new subsection:

1 30 NEW SUBSECTION. 4A. A person who commits an assault, as
1 31 defined in section 708.1, and who uses any object to penetrate
1 32 the genitalia or anus of another person, is guilty of a class
1 33 "C" felony.

1 34 SF 402

1 35 jm/cc/26